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Moving from commitments to results: transforming public institutions to facilitate inclusive policy formulation and integration in the implementation and monitoring of the sustainable development goals: ensuring effective and innovative implementation, monitoring and impact evaluation of the policies identified in support of the Sustainable Development Goals

Oversight institutions, mechanisms and standards of government administration

Note by the Secretariat

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Oversight institutions, mechanisms and standards of government administration

[Original: English]

Summary

The present paper explores issues in the oversight of government administration with a focus on public institutions and control mechanisms, as well as the role of semi-public and private institutions. It highlights areas where improvements could enable further progress towards sustainable development, in particular in Africa and the least developed countries.

The author notes that expectations of public administration have evolved in the past 10 years, especially in Africa, as a result of the combined effects of globalization and commitments undertaken by States in connection with the Millennium Development Goals. Those expectations, linked to questions of efficiency and effectiveness in public service delivery, have been accompanied by renewed concerns about adherence to policies and standards designed to serve the public interest.

The author observes that the administration is overseen by various institutions and mechanisms in the implementation of public policy, and recalls in this regard the importance of an effective and accountable parliament. However, in order to support the administration in the realization of common objectives and ensure that it continues to pursue agreed priorities, the oversight function of parliaments in many countries needs to be strengthened by, inter alia, promoting a culture of oversight among parliamentarians. Ongoing capacity-building may be necessary to ensure that public officials have the competencies needed to carry out their oversight responsibilities effectively.

Judicial independence is also seen as essential to effective oversight. Steps need to be taken to safeguard judicial systems from political, economic and other influences, and ensure impartiality. This may also call for a change in mindset among judicial officials. Anti-corruption agencies, human rights commissions, a strong and well-organized civil society, and independent media are among other key ingredients. The author concludes that the expansion and professionalization of oversight institutions and mechanisms, in particular parliamentary, judicial and civil society entities, will be essential to ensuring that no one is left behind in the implementation of the Sustainable Development Goals.

[Original: French]

I. Oversight institutions, mechanisms and standards of government administration

1. The conception of public administration, its mission and operations, especially in Africa, has changed significantly over the past 10 years or more, through the effects of globalization combined with commitments made by States under the Millennium Development Goals. This change, led by the desire to improve the services that public administrations provide to the people, has been accompanied by a renewed concern about the need to monitor the public policies defined and standards developed, as an indicator of efficiency in the provision of public services and achievement of the development goals as defined.

2. The expression "public administration" has several senses: it is defined as "the structure established by the public authorities to manage public affairs"[1] or again as the "group of activities aimed at maintaining public order and meeting other needs of general interest".[2] The term sometimes means the public service structures established: the ministries and other institutions responsible for providing public administrative services (for example the civil registry office); sometimes it means the staff of those services (the personnel). Here the second sense, the group of personnel hired to offer public services to the people, will be addressed.

3. The administration is the instrument for implementing public policy, the main tool for providing public services. It is governed by standards defined by the legislature and the regulatory authorities with the purpose of reaching defined objectives. The purpose of these standards is to meet the needs of the people for public services. It is therefore essential for the administration to observe them; this is an imperative for the success of public policies.

4. To ensure respect for these standards, the public authorities put in place institutions, mechanisms and standards for oversight of administrative activities. Oversight consists in comparing what is done (an action or a decision) with a predefined rule or procedure. The goal is to evaluate what was done compared with objectives established in advance based on precise indicators, in order to evaluate performance and make corrections as needed in order to achieve the established goals.

5. Every State in the world has institutions and mechanisms for this purpose. These institutions and mechanisms, among African administrations in particular, have undergone changes as an effect of international development policies generally agreed within the United Nations in the context of the Millennium Development Goals. They will probably continue to evolve as a result of the Sustainable Development Goals.

6. They can be divided into three categories: mechanisms and institutions that are entirely under public authority; mixed mechanisms and institutions which combine public authorities with partners from the private sector, civil society and the people;

[1] Charles Debbasch and Frederic Colin, *Droit administratif*, 11th edition (Paris, Economica, 2014), p. 5.

[2] Ibid., p. 6.

and those that are only private (private sector, civil society, non-governmental organizations, associations, media).

7. This paper is in three parts: the first will be devoted to public mechanisms and institutions for oversight of the administration; the second to semi-public and private mechanisms and institutions; the third will describe improvements to be made to existing mechanisms to meet the Sustainable Development Goals.

8. The discussion will focus on the example of public administration in the States of Africa, the majority of which are among the least developed countries.[3]

II. Public institutions and mechanisms for public administration

9. The mission of the State — and the public authorities — is to ensure the well-being of the people by meeting their collective needs. Public services created for this purpose (material goods and personnel) are financed essentially through taxes levied on the people. Good governance demands rigorous oversight of the management of public services. For some time the only oversight bodies for public activity were public in origin, in order to exercise political oversight (parliament) and jurisdictional oversight (constitutional and administrative jurisdictions, especially).

A. Political oversight

10. Political oversight is the result of the principle of consent to taxation established in 1215.[4] Under this principle, taxpayers alone have competence to authorize the establishment and collection of taxes by public authorities. Oversight authority was imposed as a natural consequence of that power of authorization. It is exercised by the representatives of the sovereign people.

1. Budgetary oversight

11. For a long time, parliamentary oversight over government actions was exercised only when voting on the budget act.

12. Aside from countries like the United States of America, which has a system of strict separation of powers granting full authority to Congress in budgetary matters, parliamentary oversight was limited, in particular in the francophone countries of Africa.

13. Following the 2001 organic law in France relating to financial acts, the organic laws of francophone African States gave more oversight authority in budgetary matters to their parliaments. On the one hand they require the Government to transmit to parliament quarterly reports on budget execution and the implementation of the budget acts; these reports, which are transmitted for information purposes, are made available to the public. Parliament can conduct investigations on the spot. In

[3] A minority can be found on World Bank fragile situations list (in conflict or emerging from conflict).

[4] By the Magna Carta.

addition, the finance commissions have the authority to supervise the proper implementation of the budget acts[5] as they go along.

14. Besides budgetary oversight, parliament has other means of exerting pressure in order to ensure that government action is in accordance with the general interest, by means of reporting and through parliamentary inquiries.

2. Reporting and parliamentary inquiries

15. Parliament has the authority to ask the government to explain its policy on various matters (for example, the conditions for providing such public services as water or electricity, or how it sets fuel prices), whether or not the activity concerned is directly managed by an agency of the administration or by a public establishment or company. For that purpose, there is a procedure for posing written or oral questions, with or without debate, and updates and commissions of inquiry. Parliamentary commissions can also gather information on how a law is being implemented through fact-finding missions.

16. Written or oral questions represent the means whereby parliamentarians gather information, which has an impact on their powers of oversight. When they are better informed, the members of parliament are in a better position to exercise their authority over the administration because, through the questions requiring the ministers to respond to specific requests, parliamentarians can improve their knowledge of the issues under debate. Unfortunately, the questioning does not lead to a vote, nor do briefings, updates and inquiries.

17. That cannot be said for the ability of parliament to establish commissions of inquiry allowing it to investigate and gather more complete information on certain actions, which lead to conclusions to be put into practice. Commissions of inquiry represent useful investigative mechanisms for oversight over government actions. But, in contrast to Western States, which use them from time to time, it is the rare parliament in Africa that sets up such commissions, despite the recurring accusations (misappropriation of public funds, political assassinations) levelled at their governments. On the rare occasions that such commissions have been created, either their inquiries were inconclusive, or their conclusions have not been made public.

18. Furthermore, the permanent commissions in the assemblies have competence to hold hearings of members of the government and other public officials in their specialty, in order to receive information on government policy and management of public services and companies. The hearings, like the fact-finding missions, issue informational reports that are distributed to members of parliament.

19. Thus in principle the parliament has the means to ensure that administration and provision of public services is moving in the direction of the objectives defined by public policy. The use of those tools in the public interest, though weak at the moment, should be strengthened under the sustainable development goals.

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[5] See article 74 of the [Togolese] organic law on budgets No. 2014-013 of 27 June 2014. This provision is common to all the member States of the West African Economic and Monetary Union (WAEMU).

B. Jurisdictional oversight

20. Jurisdictional oversight has to do with management of public finances, conformity of laws with the constitution and legality of administrative actions. The first is exercised by the audit court, the second by the constitutional court, and the third by administrative courts.

21. The establishment of an audit court contributes to the oversight of government actions. Its oversight is intended to ensure that public funds, most of which come from levies taken from taxpayers, are managed effectively in accordance with the authority granted by parliament. Among the member States of the West African Economic and Monetary Union (WAEMU) in particular, the establishment of audit courts began in the early 2000s.

22. The audit court oversees the work of public accountants as well as the controllers[6] and administrators of credits. This oversight includes all public entities, companies and establishments, social security institutions and public or semi-public agencies.

23. The audit court performs its review after the execution of the budget, and thus does not manage to correct irregularities during execution; rather it draws attention to irregularities which have occurred and which must be remedied in the future. Respect for the recommendations of the court by the public authorities depends, however, on their good will; the authority can decide whether or not to undertake the suggested reforms.

24. The audit court provides support, furthermore, to parliament and the government in monitoring budget execution by making public all requested studies of public finance and accounting. These studies help to improve oversight indirectly.

25. Oversight exercised by other jurisdictions, namely the constitutional and administrative jurisdictions, has a different purpose. Constitutional jurisdictions[7] have in fact existed in all African countries since the start of the democratic era of the 1990s, and are the bedrock of the new constitutional order. Their role is to ensure that laws[8] adopted by parliament comply with the Constitution. The conformity of legislation with the Constitution presupposes compatibility with the public interest, and thus with the goal set by the Government and accepted by representatives of the people.

26. The role of administrative jurisdictions is to determine the legality of administrative acts and liability proceedings against the administration. Respect for legality is a fundamental component of the rule of law — one of the principles of the Sustainable Development Goals. In the case of most African jurisdictions, procedures are excessively time-consuming and decisions pronouncing administrative acts to be illegal are rare. This can be explained by the fact that most African administrative jurisdictions were established comparatively recently.

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[6] The controller is the individual who, at the head of an office or group of offices, has the authority to authorize payments by the State or to record a credit to its accounts.

[7] Referred to as the constitutional court in some countries, or as the constitutional council or constitutional tribunal in others.

[8] We have set aside the role of auxiliary and electoral judge of the constitutional judge, which is not pertinent to the subject under consideration.

27. The judicial system of French-speaking African States, in which courts have jurisdiction over acts of a private nature by the administration and over almost all acts of public companies and establishments responsible for managing industrial or commercial public services, supplements a series of administration oversight mechanisms understood in a broad sense.[9]

28. Beyond the oversight exercised by parliaments and jurisdictions, there are other administrative monitoring mechanisms and institutions. Some are joint, in the sense that their composition includes persons representing the State, in the exercise of its public authority, as well as private persons or institutions. Others are exclusively the domain of private individuals.

III. Oversight exercised by semi-public and private institutions

29. The institutions or mechanisms concerned are most often, but not always, the product of the requirements of international development law laid down by international agreements and conventions over the past two decades,[10] which in the interests of transparency recommend increasingly inclusive policies and the involvement of all segments of the population in decision-making at national and local levels.

A. Joint administration oversight mechanisms and institutions

30. Among the bodies and mechanisms reviewed under this heading, some deal with economic or political matters in general while others cover a particular aspect of administrative activity, human rights, for example.

1. Economic oversight mechanisms

31. In order to achieve the Millennium Development Goals, African countries adopted medium-term poverty reduction strategies[11] during the 2000s scheduling the various activities to be conducted and the goals and targets to be reached. These strategies establish an inclusive monitoring and evaluation mechanism, referred to as the institutional mechanism for coordinating, monitoring and evaluating development policies.[12]

32. The functions performed by this mechanism include: (a) accelerating compliance with the principles of sustainable development and mainstreaming cross-cutting issues into development programmes and policies; (b) coordinating sectoral policy monitoring and evaluation with the Poverty Reduction Strategy Paper; and (c) enhancing the involvement of other actors from parliament, the private sector, civil society, local communities and research institutions in the implementation of development and poverty reduction policies.

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[9] Debbasch and Colin, *Droit administratif* (see p. 260, p. 267 and p. 288 et seq.).

[10] For example, the 2001 agreement on the Millennium Development Goals (resolution 55/2) or the 2030 Agenda for Sustainable Development adopted by the General Assembly on 25 September 2015 (resolution 70/1).

[11] Poverty Reduction Strategy Papers, see www.imf.org/external/np/exr/facts/fre/prspf.htm.

[12] See Decree No. 2010-170/PR of 13 December 2010 [Togo], establishing the institutional mechanism for coordinating, monitoring and evaluating development policies.

33. The mechanism is headed by the National Council for Steering Development Policies, a participatory oversight body which carries out monitoring through annual reports submitted to it by sectoral committees, which considers annual results reports on implementation of the Poverty Reduction Strategy Paper and which requests such modifications and adjustments as is deems necessary.

34. In additional to representatives of the administration, the mechanism includes members from various backgrounds: parliament, the Economic and Social Council, the Central Bank of West African States, research institutions, donors, the private sector, trade union organizations, organizations for women and youth, civil society and religious groups. The mechanism, whose composition responds to the recommendations of international development instruments, was extended in the context of the Strategy for Accelerated Growth and Employment Promotion that has replaced the mechanism since 2013, for a five-year period. The monitoring and evaluation carried out by this inclusive body improves the coordination of planned activities in order to better meet public policy goals.

35. Anti-corruption mechanisms, including in procurement contracts, help to improve control over administration in the public interest.

36. The fight against corruption can be seen, first and foremost, in the provisions defining and punishing corruption that are added to the criminal code of each country. Sentence severity and the opportunity for disclosure by anyone, whether a victim or simply an observer, indicate the importance that is intended to be given to the principle of good governance.

37. The adoption by States members of the West African Economic and Monetary Union of common provisions on the public procurement code also reflects this concern. Pursuant to the common provisions,[13] States have established public procurement regulatory authorities[14] responsible for ensuring that actors comply with the regulations. These authorities include a disciplinary structure which, after an adversarial procedure, orders penalties against bidders who have infringed the regulations applicable to procurement contracts; and a dispute resolution committee for stakeholders.[15] Functions of the regulatory authority include training potential stakeholders and the public to understand and master the rules on procurement contracts, so as to better monitor their application and compliance, owing to the opportunities for complaints that are open to them.

38. The tripartite structure of the authority[16] is an asset for compliance with the rules: it is composed of representatives of the administration, the private sector and civil society.[17] Decisions taken by these authorities to date indicate a sense of respect for the rule of law that is likely to discipline those who might be tempted to

[13] Directive No. 04/2005/CM/UEMOA of 9 December 2005 establishing procedures for the award, implementation and payment of public contracts and public service delegations within the West African Economic and Monetary Union.

[14] Directive No. 05/2005/CM/UEMOA of 9 December 2005 for the control and regulation of public contracts and public service delegations within the West African Economic and Monetary Union.

[15] In the case of Togo, see Decree No. 2009-296/PR of 30 December 2009 describing the mission, powers, organization and functioning of the public procurement regulatory authority.

[16] Article 8 (2) of Act No. 2009-013 of 14 January 2009 on public contracts and public service delegations (in Togo).

[17] Article 12 of Decree No. 2009-277/PR of 11 November 2009 on the public procurement code and public service delegations.

allow themselves to be corrupted and to serve vested interests against the public interest.

39. Mention could likewise be made of those countries that have set up anti-corruption hotlines in sensitive areas such as customs, so that anyone aware of an act of corruption can alert a specialist service.

40. The adoption of national anti-corruption laws establishing anti-corruption commissions and the opportunity for disclosure afforded to citizens complement the controls exercised over the administration, with a view to meeting public policy objectives.

41. Beyond these mechanisms covering the entire economic sector, there are oversight institutions whose scope is limited to a specific aspect of social life.

2. Specialized oversight institutions

42. Specialized joint institutions overseeing action by the administration in a particular sector are not commonplace in Africa, even rare. Nevertheless, reference could be made to national human rights commissions and similar bodies.

43. Almost all African countries have a national human rights commission or mechanism in lieu thereof.

44. In the case of Togo, the National Human Rights Commission,[18] whose mission is to ensure that action by the administration does not infringe an individual's freedom or dignity, i.e. human rights, follows principles upheld under international development commitments. The Sustainable Development Goals, like the Millennium Development Goals, underscore that respect for human rights and non-discrimination are conditions for achieving a world without hunger or all types of inequality.

45. The National Human Rights Commission has three core competencies, two of which involve overseeing Government action: (a) promoting human rights; (b) investigating complaints of human rights violations and proposing solutions; and (c) if necessary, referring crimes or offences to the Togolese prosecutor. When the Commission receives complaints from the people of violations of their human rights, these powers allow it to conduct investigations, demand explanations from the official or administrative authority cited in the complaint, and propose solutions to bring an end to the violations or remedy the injustice committed. When the acts that are the subject of the complaint constitute criminal offenses, the Commission can inform the Prosecutor.

46. National human rights commissions in Africa have created an African network of committees which allows them to discuss relevant experience and good practices. Their work helps to "humanize" Government intervention and development.

47. The composition of national human rights commissions satisfies a concern for integration: they generally include representatives of the private sector, civil society and associations for the defence of human rights. They also have members from the public sector, albeit fewer in number.

48. Also based on the thinking behind the establishment of national human rights commissions, African countries have put in place mechanisms to protect and defend

[18] For Togo, see Organic Law No. 2005-004 of 9 February 2005.

specific rights, such as means of reporting violations of children's and women's rights (hotlines and specialized Government services). Services to assist persons with disabilities found in some European countries are still lacking in Africa.

49. In addition to the joint monitoring mechanisms discussed above, there are others that are entirely private.

B. Private institutions overseeing action by the administration

50. These institutions include non-governmental organizations and associations as well as the media. The African private sector[19] and civil society[20] seem to take a greater interest in politics than in problems related to the defence of the principles for harmonious and equitable development.

1. Non-governmental organizations and associations

51. The non-governmental organizations most heavily involved in overseeing administrative action are international organizations, some of which have country branches responsible for governance[21] oversight. Transparency International regularly alerts international public opinion to cases of mismanagement, in particular those concerning public finances, identified in States of the South, while Amnesty International and Human Rights Watch, which specialize in oversight and human rights advocacy, use information collected by their local branches to publish periodic reports that are closely followed by the authorities. These organizations sometimes instigate denunciation campaigns against States.

52. National associations, some of which describe themselves as non-governmental organizations, are similarly involved in denouncing States. Consumer associations are one example. While currently they are poorly organized and lack the influence one might expect of such entities, their criticism of the prices of basic necessities and fuel strikes a certain chord among the people, meaning that administrations at times feel obliged to negotiate with them before implementing further price increases. However, such organizations have few members and, consequently, suffer from a lack of capacity for action.

53. Other associations have even fewer members but greater awareness-raising power because their work involves human rights. This is the case with associations combating torture, for instance, whose access to the Human Rights Committee and the sympathetic ear they receive in that forum enable them to use denunciations and street protests to influence action by the authorities that could undermine human rights. The private media have the same role.

2. The private media

54. The media as a whole serve as a watchdog for democracy and civil liberties. The role of the African media will have to be strengthened and hopefully improved if they want to help African countries achieve sustainable development.

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[19] Understood to mean the entire non-State economic sector.

[20] Refers to the private portion of the economic sector (the liberal professions, non-governmental organizations and associations).

[21] All of the standards, rights and obligations of the various governing institutions.

55. The media, in particular private media, can contribute to the improvement of economic, social, environmental and human-rights governance and the rectification of all forms of inequality and discrimination by criticizing Government activities and misguided action by the administration. The near total freedom they enjoy since the fall of the Berlin Wall and the resurgence of democracy in Africa should lead them in that direction. Unfortunately, the media use their freedom in a way that is contrary to their mission, which is, in principle, to educate, inform and entertain.

56. The African media have a great deal of difficulty in shaping public opinion. The function of education assumes that journalists have a good knowledge of the subject matter, education and at least a slight sense of pedagogy. In most cases, it involves a certain amount of objectivity on the part of the educator, whose intent is to encourage behaviour that is in the public interest, not to manipulate the reader or listener in any way. Education also implies that facts are communicated impartially and are clearly distinguishable from the opinions of the author in order to allow the audience to form its own opinion. The African media, which often include rumours and false information in their reports, at times fall well short of the professional standards that are expected of them. However, when their work respects the rules of good practice, it is useful in helping people understand the new concept of sustainable development, its 17 goals and 169 targets, and the process that should, by 2030, enable all the peoples of the world to live happy lives in a world that is free of hunger and where the environment is respected in order to ensure the well-being of current and future generations. African media and administrations should move in that direction resolutely and with the utmost professionalism, ensuring that they employ professional journalists, not freelancers trained on the job.

57. African States failed to achieve most of the eight Millennium Development Goals by 2015 for a different reason. The foregoing discussion of the various public and private institutions and mechanisms clearly shows that there are weaknesses at every level. If the 2030 Agenda for Sustainable Development is to be achieved, there must be a leap forward in terms of improving and increasing the effectiveness of oversight, control, monitoring and evaluation of Government action.

IV. Prospects for effective oversight of action by the public administration: improvement and innovation

58. The outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want",[22] aims to achieve the harmonious development of all peoples of the world, leaving no one behind. This objective led to the adoption of the 2030 Agenda for Sustainable Development by the General Assembly on 25 September 2015. The 2030 Agenda is as ambitious as it is exciting; it envisages the eradication of poverty across the globe[23] through the incorporation of a sustainable development dimension everywhere and across all public and private action. This is a new way of thinking, leading to new behaviours, which are not automatic.

59. Understanding the concept of sustainable development, incorporating its three dimensions (economic, social and environmental) into public policy in a balanced

[22] General Assembly resolution 66/288 of 27 July 2015.

[23] Unlike the Millennium Development Goals, which only aimed to reduce poverty.

manner and ensuring that the concept is reflected in the everyday behaviour of the administration will require increased expertise within both the administration and the institutions called upon to support it or to provide oversight and control in the public interest. Significant improvements will be necessary to increase the likelihood of achieving the Sustainable Development Goals.

A. Improvements

60. The significant improvements that will have to be made to ensure that no one is left behind on the road to sustainable development involve parliaments, justice and civil society.

1. Make parliaments a true counterbalance

61. Neither true democracy nor sustainable development can be achieved if the basic role of parliament is to unreservedly support the Government. Parliament should act as a real counterbalance, in accordance with the function assigned to it by Montesquieu. As Beaumarchais said, "without the freedom to criticize, there is no true praise". Parliament must be able to fully exercise its political role, even when the parliamentary majority coincides with the presidential majority because, ultimately, power and the political community exist not to defend a particular political movement but to realize the dreams of the people.

62. To that end, it will be necessary to introduce the innovation of a true culture of oversight and to enhance and strengthen the capacities of African parliaments.

63. The culture of oversight has not yet been achieved at the parliamentary or the governmental level; governments tend to interpret every criticism as a crime of lèse-majesté. Parliamentarians should become aware that they have two roles: to support the Government in achieving common objectives and, still in the public interest, to ensure that the Government tirelessly pursues the achievement of the objectives defined in agreement with Parliament. If a parliament fulfils one of those roles only partially or in a way that is detrimental to the other, its mission is incomplete. Beyond oral and written questions and interpellation, parliaments should be able to establish commissions of inquiry and carry them through to the completion of their mandate. Just as the proponents of "enlightened absolutism"[24] foresaw that a ruler's position would only gain more strength and support if the people were granted certain "lights" (rights such as freedom of belief, justice and equality), a parliament that more effectively oversees Government action will only strengthen democracy, progress towards development and, consequently, confidence in the political system.

64. That desirable development implies significant capacity-building at both the human and the technical and technological levels. Where it is not possible to elect competent individuals who are able to be immediately effective, there should be a particular emphasis on the training of parliamentarians with the involvement of the relevant international institutions. Training should focus primarily on governance and the role of parliamentary assemblies in sustainable development. In order to be

[24] Georges Lescuyer, *Histoire des idées politiques*, Précis, Droit public et science politique Series, 14th ed. (Paris, Dalloz, 2001), pp. 282 et seq.

useful, it should take place whenever a new parliament is formed and be followed up with periodic refresher training.

65. African parliaments should also have their support staff strengthened. They are notoriously lacking in competent technical and administrative staff, who usually facilitate the work of members of parliament and conduct research and thematic studies to inform their decisions. It is also these members of staff who carry out the necessary regulatory monitoring of parliamentarians' responses. Currently, the small number and weak skills of such staff are undermining the oversight role of parliaments. Recruiting personnel in line with predefined profiles and training them to be competent collaborators would advance parliaments' mission to achieve the Sustainable Development Goals.

66. All of the above will require modern equipment and the use of information and communications technology, in addition to suitable and sufficiently spacious premises. Information and communications technology has been shown to promote progress in accessing and handling information and provides access to information on good practices and innovations from other countries. It is therefore essential to ensure that these tools, including the Internet, are used by competent staff and that sufficient output is produced.

67. This raises the issue of the funds necessary for the achievement of the Sustainable Development Goals, in light of the paucity of internal resources in the least developed countries. It would be desirable for the international community to take swift action to help the least developed countries increase their domestic resources through fiscal reform and innovation in accordance with the requirements for sustainable development, as recommended in the 2030 Agenda for Sustainable Development. The private sector and all other sources of innovative financing should also contribute to that effort.

2. Strengthen the role of the justice system

68. The courts must become the promoters and guarantors of democracy and also support efforts to clean up and improve the business environment. This will be achieved only if judges are not beholden in any way to the authorities, party preferences or economic interests. Sustainable development requires an independent justice system that is guided solely by the law and protects rights and freedoms. Appropriate laws on these matters are in place. However, judges who are in thrall to their political preferences or the lure of promotion or illicit gains find it difficult not to be influenced by these considerations. Likewise, administrations may be unhappy when the courts rule against them, considering the slightest unfavourable decision to be a personal failure that undermines their authority and credibility. What is needed, then, is a revolution in attitudes, since the efforts made by African States with regard to the status, remuneration and privileges of judges have had little impact in terms of making the latter more mindful of their independence and of their duty to serve the law and the public interest.

69. The justice system contributes to growth and economic development when its actions inspire the confidence of investors and economic operators, who need to be reassured not only that economic regulation is stable but also that non-compliance with the rules will be punished promptly and impartially by the courts in the event of a dispute. Hence the importance of the courts' independence and of a prompt procedure for the resolution of trade disputes. The effort by States to establish an

arbitral tribunal for that purpose is encouraging, since members will undertake to act promptly, independently and with impartiality.

70. Arbitral tribunals will not, however, be able to settle all economic disputes. Some cases will come before the courts; it is important that the latter inspire confidence. They can do so only by facilitating access to justice, by ensuring equality before the courts, which includes not giving any party an advantage by needlessly prolonging proceedings, and by basing their decisions on the solid foundations of the law. They can also inspire confidence by requiring the administration to respect the law it has itself established. By taking bold decisions in the settlement of disputes with the administration, the courts will foster stakeholders' confidence in the rules governing economic activity and thus contribute to the achievement of the Sustainable Development Goals.

71. The conditions to be met are relatively straightforward: (a) do no more than state the law; (b) foster the independence and impartiality of the courts vis-à-vis the Government and economic interests; and (c) provide the courts with appropriate technical resources. The courts alone are responsible for ensuring that the first two conditions are met, since laws guaranteeing the independence and impartiality of the courts are already in place. Otherwise, it is the Government's responsibility to ensure that the rules on combating corruption, which are also in place, are strictly enforced. The third condition can be met through decisive action by the Government and the participation of the international community.

3. Make civil society an advocate for sustainable development

72. In order for the aforementioned suggestions to be successfully implemented, an organized, strong and responsible civil society is needed. In the inclusive society advocated by the development agenda, action by all, in particular civil society, is paramount. This can be seen in the democratic changes in Africa. It can also be seen at the global level: non-governmental organizations and civil society are the drivers of change in States with regard to the issue of global warming and the protection of biodiversity, for example. In that sense, civil society spurs change. Beyond the issue of climate change, civil society should serve the cause of sustainable development.

73. It is therefore important for civil society in Africa to recognize its power and the driving role that it can play in achieving sustainable development. It must be able to act not only as a force for pressure but also as the guardian of democracy and sustainable development — a source of proposals appropriate to the national environment. This means identifying shortcomings but, even better, proposing credible and innovative alternatives, since the post-2015 development agenda itself affirms that all issues must be discussed and resolved in the light of each country's individual characteristics. This requires stakeholders to understand not only the substance and requirements of sustainable development but also the nature of their contribution within this new framework.

74. To that end, it is vital: (a) that civil society organize itself; (b) that individual associations join forces; (c) that a strong leadership emerge to serve as an interlocutor with the authorities and other stakeholders in sustainable development; (d) that civil society actors set an example with regard to good governance, integrity and an exclusive focus on defending collective interests; and (e) that they build their activities from the grass-roots level, since one of the objectives of sustainable development is to ensure that no one is left behind.

75. This also requires a sustained and rigorous process of capacity-building and the training and retraining of stakeholders, in particular their leaders. Non-governmental organizations and civil society in developed countries, and also certain international institutions, can be of great assistance in this regard.

76. The media in general and privately owned media in particular play an important role in shaping public opinion and raising public awareness. Their activities are vital in ensuring that civil society is aware of its own role and power; the media must also understand their role and be prepared to play it in an honest and responsible manner in accordance with a combined code of ethics and good practice. Private media outlets will be able to play their part in raising awareness of sustainable development only if they themselves are prepared to make sacrifices for the sake of professionalism and the collective interest. This is a huge undertaking, but not impossible.

77. These improvements and changes in attitudes will not be fully realized without certain innovations.

B. Innovate in order to improve on the past

78. Improvements in the activities of the different mechanisms and institutions carrying out oversight of the administration are clearly welcome but will be insufficient on their own. In addition to the proposals already made, it will be necessary to increase the number of private oversight institutions and mechanisms and to give them proper professional status. When internationally renowned credit-rating agencies assess and rate the economy of a State or an institution, that State or institution may not be happy with the rating, but the agencies' professionalism is never questioned. States should aspire to have institutions of similar calibre at the national level. The outcomes of inquiries and reviews should come from organizations whose competence cannot be called into question by anyone, least of all the administration.

79. Lastly, it must be acknowledged that, in order to avoid the fate of past concepts that have had no impact, sustainable development must be thoroughly understood by all economic and social actors. It is therefore important to design and put in place at the national level a "superstructure" to monitor the achievement of the Sustainable Development Goals: with the involvement of all stakeholders, its task would be to optimize coordination; to monitor, on the basis of reports and reviews produced by ministries and authorized bodies, the implementation of public policies formulated in a participatory manner; to carry out its own assessments; and to recommend to the Government the corrective action necessary in order to achieve sustainable development. In order to increase its effectiveness, this structure should report to the Head of Government and be chaired by him or her. Placing it at a lower level would render it ineffective, particularly in African States where attention is paid only to pronouncements from the top.

80. We believe that these measures, which do not constitute an exclusive or exhaustive list, could contribute to public oversight of the administration's actions, which would give the Sustainable Development Goals a chance of success.

V. Conclusion

81. Nonetheless, it must be admitted that, whatever oversight mechanisms are envisaged and whatever resources are put in place, the achievement of the Sustainable Development Goals requires strong leadership and unconditional commitment both on the part of governments and other stakeholders and on the part of the public itself. Sustainable development is the concern not only of governments and of the entities responsible for oversight; it is the concern of all.